

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

JEREMY BRADEN, individually and on behalf)
of all others similarly situated,) Case No. 6:08-cv-3109-GAF
)
)
Plaintiff,) Hon. Gary A. Fenner
)
)
v.) CLASS ACTION
)
WAL-MART STORES, INC., et al.,)
)
)
Defendants.)

**PLAINTIFF'S UNOPPOSED¹ MOTION FOR AN ORDER PRELIMINARILY
APPROVING CLASS ACTION SETTLEMENT, CONDITIONALLY CERTIFYING
SETTLEMENT CLASS, DIRECTING DISTRIBUTION OF CLASS NOTICE,
APPOINTING CLASS COUNSEL AND CLASS REPRESENTATIVE, AND SETTING
HEARING FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

COMES NOW Plaintiff Jeremy Braden (hereinafter referred to as "Class Plaintiff"), by and through his counsel of record, and moves this Court for an Order:

1. preliminarily approving the proposed Settlement between the Class Plaintiff and Defendants;²

¹ No Party to this litigation opposes the filing of this Motion. Plaintiff has conferred with all Defendants in this matter, as defined *infra* note 2, and obtained their consent to file this motion as one that is unopposed.

² Defendants James W. Breyer, John A. Cooper, Jr., Stanley C. Gault, Frederick S. Humphries, Dawn G. Lepore, Elizabeth A. (Betsy) Sanders, Donald G. Soderquist, and Jose H. Villarreal are referred to collectively as the "Compensation Committee Defendants." Defendants Stephen R. Hunter, Debbie Davis Campbell, and John or Jane Doe 1 are referred to collectively as the "VP Retirement Plan Defendants." Defendants Jeff Amos, Bill Ayers, Terry Bertschy, Elizabeth Branigan-Evans, Debbie Davis Campbell, Fred Disch, Larry Duff, Sam Dunn, Don Etheredge, Robin Forbis, Sharon Garmon, Erin Gonzalez (misidentified and named in duplication as Erin Weitzel), Rob Hey, Stephen R. Hunter, Greg Johnston, David McBride, Phyllis Morey, Cliff Parker, Arvetta Powell, Charles Rateliff, Dave Reiff, David Scogin, Donna Spradlin, J.P. Suarez, Jenifer Terrell, Kevin Turner, Jeremy Wilson, Jimmy Wright, and John or Jane Does 2-5 are referred to collectively as the "Retirement Plans Committee Defendants." Wal-Mart and the Compensation Committee Defendants, the VP Retirement Plan Defendants, and the Retirement Plans Committee Defendants are referred to collectively as "Wal-Mart" or the "Wal-Mart Defendants." Merrill Lynch, Pierce, Fenner & Smith Inc., Merrill Lynch Trust

2. conditionally certifying a Settlement Class;
3. directing distribution of notice to the Settlement Class;
4. appointing Class Counsel and Class Representative; and
5. establishing a date for a final Fairness Hearing for certification of the Settlement Class, approval of the Settlement, and consideration of Class Counsel's applications for an award of attorneys' fees, reimbursement of expenses, and a case contribution award to Class Plaintiff.

The facts and arguments in support of this Motion are set forth in the accompanying Suggestions in Support of the Motion filed contemporaneously herewith.

WHEREFORE, for the reasons stated herein, Class Plaintiff respectfully moves this Court for an Order (1) preliminarily approving the proposed Settlement between the parties; (2) conditionally certifying the Settlement Class; (3) directing distribution of notice to the Settlement Class; (4) appointing Class Counsel and Class Representative; and (5) setting a final Fairness Hearing for certification of the Settlement Class, approval of the Settlement, and consideration of Class Counsel's applications for an award of attorneys' fees, reimbursement of expenses, and a case contribution award to Class Plaintiff, as well as for such other relief the Court deems proper.

RESPECTFULLY SUBMITTED this 2nd day of December, 2011.

KELLER ROHRBACK L.L.P.

/s/ Lynn Lincoln Sarko

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Company of America, and Merrill Lynch & Co. Inc., are collectively referred to as "Merrill Lynch." The Wal-Mart Defendants and Merrill Lynch Defendants are collectively referred to as "Defendants."

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CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following: Paul Ondrasik, Morgan D. Hodgson, Eric Serron, Katherine R. Sinatra, William C. Martucci, Richard N. Bien, James Moloney, Robyn L. Anderson, Shannon Barrett, Kristen A. Page, William R. Robb, Edward H. Siedle and Robert N. Eccles.

There are no non CM/ECF participants.

DATED this 2nd day of December, 2011.

/s/ Lynn Lincoln Sarko
Lynn Lincoln Sarko